

REMARKS

Please cancel Claim 13 without prejudice. Claims 1, 2, and 19 have been amended to more particularly define the claims. Support for this amendment is found in original Claim 13 which now stands cancelled hereunder. The dependency of Claims 14 – 16 has been changed from Claim 13 to Claim 1. Additionally, a punctuation correction was made to Claim 15 (i.e.; period added to the end of the sentence).

Rejections Under 35 U.S.C. §103

Claims 1, 11, and 21 – 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,423,102 issued to Madison (hereinafter "Madison") in view of either U.S. Patent No. 2,911,660 issued to Klemas et al. (hereinafter "Klemas et al."), U.S. Patent No. 6,647,577 issued to Tam (hereinafter "Tam"), or U.S. Patent No. 5,499,420 issued to Boland (hereinafter "Boland") for the reasons of record stated on pages 2 and 3 of the Office Action.

Applicants respectfully traverse this rejection. Madison purports to relate to a portable cleaning device adapted to receive various cleaning implements. Klemas et al. purports to relate to a power toothbrush for cleaning teeth. Tam purports to relate to an electric toothbrush for cleaning teeth. Boland relates to a brush holder for a toothbrush. Neither Madison in view of Klemas et al., nor Madison in view of Tam, nor Madison in view of Boland disclose or suggest *inter alia* a motorized stain-removal brush having a cleaning efficiency angle of from between about 0 degrees to 100 degrees wherein the shaft is at least partially disposed within the neck, whereby the shaft is operatively connected to the motor and to the bristle holder wherein the terminal end of the shaft disposed in the neck does not lie in the same plane as the motor shaft disposed in the handle.

Hence, as Claims 1, 11, and 21 – 23 are unobvious over Madison in view of either Klemas et al., Tam, or Boland, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of either Klemas et al., Tam, or Boland and further in view of U.S. Patent No. 6,233,771 issued to Hortel et al. (hereinafter "Hortel et al.") for the reasons of record stated on page 3 of the Office Action.

Applicants respectfully traverse this rejection. Hortel relates to a hand-held cleaning device for spot cleaning fabrics. Neither Madison in view of Klemas et al. and further in view of Hortel et al., nor Madison in view of Tam and further in view of Hortel et al., nor Madison in view of Boland and further in view of Hortel et al., teach or suggest *inter alia* a motorized stain-removal brush having a cleaning efficiency angle of from between about 0 degrees to 100 degrees wherein the shaft is at least partially disposed within the neck, whereby the shaft is operatively connected to the motor and to the bristle holder wherein the terminal end of the shaft disposed in the neck does not lie in the same plane as the motor shaft disposed in the handle.

Hence, as Claim 2 is unobvious over Madison in view of either Klemas et al. and further in view of Hortel et al., or Madison in view of Tam and further in view of Hortel et al., or Madison in view of Boland and further in view of Hortel et al., Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of either

Klemas et al., Tam, or Boland and further in view of U.S. Patent No. 4,097,953 issued to McKinney et al. (hereinafter "McKinney et al.") for the reasons of record stated on page 3 of the Office Action. Applicants respectfully traverse this rejection. McKinney et al. purports to relate to a device for scrubbing carpets having two angularly oscillating scrubbers. Neither Madison in view of Klemas et al. and further in view of McKinney et al., nor Madison in view of Tam and further in view of McKinney et al., nor Madison in view of Boland and further in view of McKinney et al., teach or suggest *inter alia* a motorized stain-removal brush having a cleaning efficiency angle of from between about 0 degrees to 100 degrees wherein the shaft is at least partially disposed within the neck, whereby the shaft is operatively connected to the motor and to the bristle holder wherein the terminal end of the shaft disposed in the neck does not lie in the same plane as the motor shaft disposed in the handle.

Hence, as Claim 3 is unobvious over Madison in view of either Klemas et al. and further in view of McKinney et al., or Madison in view of Tam and further in view of McKinney et al., or Madison in view of Boland and further in view of McKinney et al., Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 4 – 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Madison for the reasons of record stated on page 4 of the Office Action. As Claim 13 now stands cancelled hereunder, this rejection as it relates to Claim 13 is moot. Applicants respectfully traverse this rejection as it relates to Claims 4 – 12 and 14 - 18. Madison does not teach or suggest a motorized stain-removal brush having *inter alia* a cleaning efficiency angle of from between about 0 degrees to 100 degrees. Nor does Madison teach or suggest a motorized stain-removal brush having *inter alia* a shaft which is at least partially disposed within the neck, whereby the shaft is operatively connected to the motor and to the bristle holder wherein the terminal end of the shaft disposed in the neck does not lie in the same plane as the motor shaft disposed in the handle.

Hence, as Claims 4 – 12 and 14 - 18 are unobvious over Madison, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of U.S. Patent No. 5,875,509 issued to Facca (hereinafter "Facca") for the reasons of record stated on page 4 of the Office Action. Applicants respectfully traverse this rejection. Facca purports to relate to a self-wringing mop. Madison in view of Facca does not teach or suggest a motorized stain-removal brush having *inter alia* a cleaning efficiency angle of from between about 0 degrees to 100 degrees. Nor does Madison in view of Facca teach or suggest a motorized stain-removal brush having *inter alia* a shaft which is at least partially disposed within the neck, whereby the shaft is operatively connected to the motor and to the bristle holder wherein the terminal end of the shaft disposed in the neck does not lie in the same plane as the motor shaft disposed in the handle.

Hence, as Claim 20 is unobvious over Madison in view of Facca, Applicants respectfully request reconsideration and withdrawal of this rejection.

Double Patenting Rejection

Page 5 of the Office Action indicates that Claims 1 and 19 are provisionally rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 and 22 of copending

U.S. Patent Application No. 10/659,868 and over Claims 1, 13, and 20 of copending U.S. Patent Application No. 10/937,003. The submission of a Terminal Disclaimer would appear to be premature at this stage of prosecution. However, once patentable claims are agreed to, an appropriate Terminal Disclaimer can be provided, if still deemed necessary.

SUMMARY

This is responsive to the Office Action dated August 9, 2007. Claim 13 has been cancelled hereunder without prejudice. As the rejection of Claims 1 - 12 and 14 - 23 under 35 U.S.C. §103 have been overcome, Applicants respectfully request reconsideration and withdrawal of these rejections.

Respectfully submitted,
FOR: FRANCE ET AL.;

BY: 

Julia A. Glazer
Attorney for Applicants
Registration No. 41,783
(513) 627-4132

January 9, 2008
Cincinnati, Ohio